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**VIA ECF**

The Honorable Valerie E. Caproni  
United States District Judge, Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007-1312

**MEMO ENDORSED**

Re: *In re London Silver Fixing, Ltd Antitrust Litig.*,  
No. 14-MD-2573 (VEC) (S.D.N.Y.); Request to File Under Seal Plaintiffs'  
Memorandum of Law in Support of their Motion for Class Certification and the  
Appointment of Class Representatives and Class Counsel, the Declaration of  
Robert Eisler, and Exhibits Thereto

Dear Judge Caproni:

In accordance with Section 5(B) of Your Honor's Individual Practices in Civil Cases and the Protective Order entered in this case, we request leave to file under seal Plaintiffs' Memorandum of Law in Support of their Motion for Class Certification and the Appointment of Class Representatives and Class Counsel ("Memorandum") as well as the Declaration of Robert G. Eisler dated November 23, 2021 ("Eisler Declaration"), and exhibits thereto.

Plaintiffs respectfully request that the Memorandum, Eisler Declaration, and exhibits thereto be filed under seal because they contain information designated as "Confidential" or "Highly Confidential" by Plaintiffs, Defendants, and/or Deutsche Bank pursuant to the Stipulation and Protective Order in this Action. *See* ECF No. 203. This Court found the Order to be "appropriately tailored" to the needs of this case, *see id.*, so sealing is appropriate in light of *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

Pursuant to paragraph 16 of that Order, Plaintiffs will confer with Defendants regarding the appropriate redactions and file a publicly available, redacted version of their Memorandum within ten (10) business days of filing under seal.

Accordingly, Plaintiffs respectfully request that the Court permit the Memorandum, the Eisler Declaration, and exhibits thereto to be filed under seal.

Dated: November 23, 2021

By: /s/ Robert Eisler  
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*Interim Co-Lead Counsel for Plaintiffs and the  
Proposed Class*

Plaintiffs' application to file the entire memorandum of law, counsel declaration, and exhibits (Dkts. 560 and 561) under seal is DENIED. "[T]he mere existence of a confidentiality order says nothing about whether complete reliance on the order to avoid disclosure was reasonable." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir. 2006).

Plaintiffs' counsel may file a new motion to seal much narrower portions of their filings. The Court reminds Plaintiffs that they must explain why any proposed redactions overcome the presumption of public access in *Lugosch*. Reliance on a protective order, without more, is insufficient. The motion must comply with Rule 5(B) of the undersigned's Individual Practices in Civil Cases.

Any new motion to seal is due no later than **Monday, December 6, 2021**.

The Clerk of Court is respectfully directed to close the open motion at docket entry 559.  
SO ORDERED.



Date: November 24, 2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE